

REMARKS

Claims 1-7 are pending, with claim 1 being the sole independent claim. The specification and abstract of the disclosure have been amended. Claims 1-7 have been amended. The amendments to claims 2 and 3 are to correct minor informalities, and are cosmetic in nature. No new matter has been added. Reconsideration of the above-identified application, in view of the following amendment and remarks, is respectfully requested.

The abstract of the disclosure and the specification have been objected to. In response to the objections, applicants have amended the specification and the abstract in a manner which is self-explanatory. No new matter has been added. Withdrawal of the objections is therefore requested.

Claims 4-7 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In response to foregoing, applicants have amended claims 4-7 in a manner which addresses each specific rejection. Withdrawal of this rejection under 35 U.S.C. §112, second paragraph, is therefore respectfully requested.

Claims 1 and 4-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,106,277 ("*Tuckey*"). Claims 2-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tuckey* in view of U.S. Patent No. 5,121,021 ("*Ward*"). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 defines an arrangement in which the electric motor stator ring (8) and an adjoining component of at least one of the motor casing (9) and the magnet shells (10) form a single-piece body. *Tuckey* fails to teach or suggest this claimed limitation.

Tuckey relates to a conventional fuel pump for an internal combustion engine having a rotor which is driven by an extended, rotating, mounting shaft of an electric motor armature (see

Abstract). More particularly, *Tuckey* discloses a fuel unit that includes a multiple piece construction of the stator ring and the adjoining component of the motor casing and/or the magnet shells. More specifically, Fig. 1 of *Tuckey* specifically shows that the cylindrical flux ring 30, the permanent magnets 32 and the encasement cover 34 are separate components. As described at pg. 1 of the specification as originally filed, such fuel feed units with the electric motor for driving a fuel pump are commonly used in modern motor vehicles and are known in practice. *Tuckey* teaches such a conventional, old and well known, state of the art device, which is the basis from which the instant claimed invention was developed.

There is no reason, based on the teachings of *Tuckey*, for the skilled person to eliminate the structure disclosed therein such that the stator ring and an adjoining component of at least one of the motor casing and the magnet shells form a single-piece body, absent an improper hindsight construction based on applicants' instant disclosure.

The Examiner cites an old Supreme Court decision to support the assertion that the skilled person would have known to integrate the stator ring and adjoining components in order to achieve a single-piece body, i.e., *Howard v. Detroit Stove Works*. However, the cited case is improper because *Detroit Stove Works* has all to do with riveting together multiple pieces of a stove that are formed from the same material.

The claimed invention replaces components that are formed from different materials with a single-one piece component which is formed entirely from the same material. Moreover, the components of the claimed fuel feed unit that are formed into a single-piece body have different functions. That is, the claimed electric motor stator ring and an adjoining component of at least one of the motor casing and the magnet shells each have different functions. These components are manufactured from the same material (see, e.g., dependent claim 2). There is no teaching or

suggestion in *Tuckey* of applicants' claimed components which are arranged in a single-piece body that is made of the same material. In *Tuckey*, different components with differing functions are manufactured from different materials.

Ward, on the other hand, relates to "a frame and permanent magnet assembly for a dynamoelectric machine where the frame carries a plurality of permanent magnets. The frame is formed of iron powder particles that are bound together by a thermoplastic material" (see Abstract). However, there is no teaching or suggestion in *Ward* with respect to an electric motor stator ring and an adjoining component of at least one of the motor casing and the magnet shells which comprise a single-piece body. Therefore, the combination of *Tuckey* and *Ward* fails to achieve now amended independent claim 1, because *Ward* fails to provide what *Tuckey* lacks.

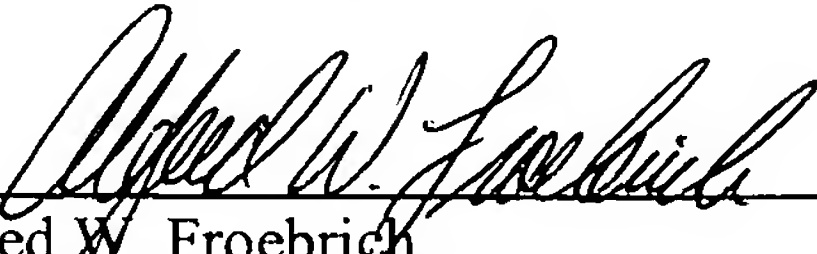
In view of the foregoing, independent claim 1 is patentable over the combination of *Tuckey* and *Ward*. Reconsideration and withdrawal of all the rejections under 35 U.S.C. §103(a) are therefore in order, and a notice to that effect is respectfully requested.

In view of the patentability of independent claim 1, dependent claims 2-7 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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